

Commissioner for Patents
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REMARKS

Claim Status

Claims 1-40 are pending.

Claims 1-3, 6-24, 27, 28, 31 and 32 have been allowed. Claims 4, 5, 25, 26, 29, 30, 33-40 are rejected.

The below remarks are organized according to the section headings of the Examiner's Detailed Action of Jan. 14, 2005.

Incorporation By Reference

Applicants respectfully direct the Examiner's attention to the fact that incorporation by reference is not the only basis upon which the subject matter of Appendices A and B is part of the present application.

In addition to incorporating Appendices A and B by reference, the formal specification makes plain that Appendices A and B are also part of the specification itself.

The formal specification uses the word "appendix" to refer to Appendices A and B. The word "appendix" means an addition of subject matter to a document.

In referring to Appendices A and B, after providing a publication citation corresponding to each appendix, the formal specification states that each appendix "is included."

In addition to the language of the formal specification, Appendices A and B were, in fact, included with the formal specification as originally filed on May 12, 1995. Evidence of this includes the stamped postcard receipt listing these appendices along with the formal specification.

In the amendment, submitted by applicants on Mar. 22, 2004, Appendices A and B were converted into formal form.

Applicants have discussed this issue with the USPTO Office of Patent Legal Administration, and it is in agreement with the applicants.

Further, applicants respectfully direct the Examiner's attention to the fact that the USPTO routinely recognizes informal appendices as part of an application as-filed. Even a casual review of the USPTO Patent Application Full Text and Image Database, sorted by applications whose specification include the word "appendix," reveals many instances of this. As simply one example, applicants direct the Examiner's attention to the following United States Patent Application: 20050144240, filed June 30, 2005.

While applicants do not agree with the Examiner's position regarding the incorporation by reference, applicants see no need to address the Examiner's arguments since incorporation by reference is only one basis by which the subject

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matter of Appendices A and B is available. However, applicants reserve the right to refute the Examiner's rejection of applicants incorporation by reference.

Applicants note that the Examiner has incorrectly referred to Appendix A as the "D. Gajski et al. publication" at the top of page 3 of the Examiner's Action. Further, the Examiner is incorrect in stating that Appendix A is discussed in connection with control data flow graphs.

Because applicants amendment of Mar. 22, 2004 simply re-formatted subject matter that is already part of the application, applicants respectfully traverse the Examiner's objection to this amendment.

Claim Rejections – 35 USC § 251

Claims 35-40 are rejected by the Examiner as based upon new matter from Appendix B.

Since applicants have already shown above that Appendix B is a part of the specification as originally filed, applicants respectfully traverse this rejection.

Claim Rejections – 35 USC § 112 ¶ 1

Claims 35-40 are rejected by the Examiner as not enabled due to their being based upon new matter from Appendix B.

Since applicants have already shown above that Appendix B is a part of the specification as originally filed, applicants respectfully traverse this rejection.

Claim Rejections – 35 USC § 112 ¶ 2

Claims 4, 5, 25, 26, 29, 30, 33 and 34 are rejected by the Examiner as indefinite. However, the Examiner has suggested a change of wording, from "use" or "are" to "transition on," in order to correct the ambiguity. Since applicants have followed the Examiner's suggestion, applicants respectfully submit that the rejection has been traversed.

Applicants understand the Examiner's suggestion, to change "use" or "are" to "transition on," as an acknowledgement of the following position stated by the applicants in the last Amendment. The position of the applicants is that anyone of ordinary skill in the art of hardware description languages, when considering the claims, would understand the phrase "wait statement" as follows. When used without the further qualification of being a VHDL wait statement, the phrase "wait statement" refers descriptively to hardware description language statements that wait for a synchronization event (with the synchronization event typically being a clock signal).

Summary

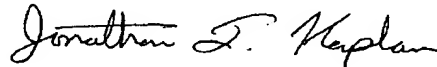
Applicants respectfully submit all objections and rejections have been traversed

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and request a Notice of Allowance.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 502584 referencing docket number 06816.0024REI.

Respectfully submitted,



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